

MAR 15 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Synkote Paint
c/o Mr. Richard E. Max
578 Dorchester Drive
Rivervale, New Jersey 07675

Re: Request For Information
Synkote Paint Removal Action
Elmwood Park, Bergen County, New Jersey

Dear Sir:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499. EPA also regulates the handling of hazardous waste under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Section 6901 et seq.

EPA has documented the release and/or threatened release of hazardous substances into the environment at the Synkote Paint Site (the "Site"). Pursuant to Section 104 of CERCLA, 42 U.S.C. Section 9604, and Section 3007 of RCRA, 42 U.S.C. Section 6927, EPA may request certain information from parties who handle or have handled hazardous waste, as that term is defined in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), and Section 1004 of RCRA, 42 U.S.C. Section 6903, respectfully. Section 104(b) of CERCLA, 42 U.S.C. Section 9604(b), enables EPA to conduct such legal and other investigations as it may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of CERCLA.

Pursuant to these statutory provisions, EPA hereby requires that you provide EPA with the information listed in Attachment A of this letter. In preparing your response, please follow the enclosed instructions, (Attachment B).

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Your response to this Request for information must be postmarked or received within 30 (thirty) calendar days of your receipt of this letter, and should be mailed to:

Mr. Dwayne Harrington, On-Scene Coordinator
U.S. Environmental Protection Agency
Response and Prevention Branch MS-211
2890 Woodbridge Avenue
Edison, New Jersey 08837

and a copy to :

Susan H.S. Monks, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
26 Federal Plaza, Room 309
New York, NY 10278

Failure to respond to this Request for Information within the time specified above may subject you to an enforcement action under Section 3008 of RCRA, 42 U.S.C Section 6928, or Section 104 of CERCLA, 42 U.S.C. Section 9604, as amended by Public Law 99-499. Enforcement actions under both CERCLA and RCRA may include the assessment of penalties of up to \$25,000.00 per day for continued noncompliance.

Your notarized signature or the notarized signature of an officer or other responsible official of your company or business must appear on the enclosed "Certification of Answers to Request for Information," which must be attached to the response to this information request. Be advised that you are under a continuing obligation to supplement our response if information not known or not available to you as of the date of submission of your response should later become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you are under an obligation to notify EPA thereof as soon as possible. If any part of this response is found to be knowingly untrue, you may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, Title 44 of the United States Code.

If desired, you may assert a business confidentiality claim covering all or part of the information herein requested. The claim can be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice, employing language such as "trade secret", "proprietary", or "company confidential". Information covered by such a claim will be

disclosed by EPA only to the extent and by means of procedures set forth in Title 40, Code of Federal Regulations, Subpart B, Part 2, except that Section 104(n) of the Superfund Amendments and Reauthorization Act of 1986 places certain new limits on the withholding of information that is claimed confidential. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without any further notice to you.

If you have any questions about this letter, you may call Dwayne Harrington, On Scene Coordinator, at (201)340-6899 or Susan H.S. Monks, Assistant Regional Counsel, at (212)264-4940. Please note that all communications from an attorney must be directed to Susan Monks. Thank you for your cooperation.

Sincerely yours,

Kathleen C. Callahan
Emergency & Remedial Response Division

Attachments

bcc: Dwayne Harrington, ERRD-RP ✓
Joseph McVeigh, ORC-NJSUP
Susan Monks, ORC-NJSUP

Attachment A

Synkote Paint Co.
REQUEST FOR INFORMATION

1.
 - a. State the correct legal name of Synkote Paint Co. (hereinafter, "Synkote").
 - b. State the names and addresses of the president and/or the chairman of the board, or other presiding officers of Synkote.
 - c. Identify the state of incorporation of Synkote and Synkote's agent of service of process in the state of incorporation and in New Jersey.
 - d. Provide a copy of Synkote's "Certificate of Incorporation" and any amendments thereto.
 - e. If Synkote is a subsidiary or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related companies. For each related company, describe the relationship to Synkote, and indicate date/manner in which each relationship was established.
 - f. Identify any predecessor organizations and the dates that such companies became part of Synkote.
 - g. Identify the date of incorporation, state of incorporation, agents for service of process in the state of incorporation and New Jersey, and nature of business activity, for each company identified in Questions 1e, and f above.
 - h. Provide a copy of your deed to the Synkote property and all purchase and sale agreements and leases made between 1950 and 1988 with respect to this property.
 - i. For each person identified in (b) above, explain in detail for the period of 1979 to the present:
 - 1) each person's responsibility, including but not limited to his/her management duties.
 - 2) the amount and value of shares owned.
2. In identifying a company that no longer exists, provide all the information called for in Question 1, except for the agency for service of process. If your company did business under more than one name, each name should be designated.

3. When did you acquire the real property located at 144-160 Van Riper Avenue, Elmwood Park, New Jersey (hereinafter, the "Site")? Provide a copy of your deed to the Site.
4. Provide the name, current address and telephone # of the prior owner of the Site.
5. Describe the Site at the time you acquired it. If there was any business at the Site, identify the nature of the business.
6.
 - a. Did your manufacturing company have a permit or permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq.? If so, identify the permit by date of issue and EPA Identification Number.
 - b. Identify and provide copies of any other permits, licenses or other authorization held by yourself or your business which enabled Synkote to handle hazardous substances.
7. During the period of your ownership of the Site, identify and describe in detail all transactions (including, but not limited to, sales, leases, and rentals) which you and/or Synkote have had in connection with the Site. For each transaction:
 - a. Identify the portion(s) of the Site which was the subject of the transaction(s) and provide the period(s) of time.
 - b. Identify the name(s) of each person and/or entity involved and the nature of their operations at the Site.
 - c. Identify in detail the amount and form of payment to you (i.e., cash, monthly check delivered personally at the Site, check delivered by mail, etc.).
 - d. Provide name(s) and address(es) of any agent(s) you may have used to arrange any of the transactions. Provide copies of contract(s) and/or agreement(s) with your agent(s).
 - e. Explain in detail how many times you visited the Site during the period of time of each transaction and describe the nature of your visit.
8. Did you know or have reason to know that any CERCLA waste material was disposed of at the Site prior to your acquisition. Describe all investigations and inspections you undertook prior to your purchase.

9. When and how did you and/or Synkote first know or have reason to know that CERCLA waste materials were or may have been generated, treated, stored or disposed of at the Site.
- Did you take any measures to abate and/or stop the contamination? If so, explain in detail.
 - Did you notify anyone of the contamination? If so, explain in detail.
10. During your ownership of the Site, describe all releases of any kind into the environment of any hazardous materials that occurred at or from the Site, during your ownership, including but not limited to:
- When such releases occurred.
 - How the releases occurred.
 - What hazardous materials were released.
 - What amount of each such hazardous material was so released.
 - Where such releases occurred.
 - Any and all activities undertaken in response to each such release or threatened release.
 - Any and all investigations of the circumstances, nature, extent or location of each such release or threatened release including, the results of any soil, water (ground and surface), or air testing that was undertaken.
 - All persons with information relating to subparts a. through g. of this Question.
11. If any release identified in response to Question [#10], above, occurred into any subsurface disposal system or floor drain inside or under any buildings located on the Site, further identify:
- Where precisely the disposal system or floor drains are and were located.
 - When the disposal system or floor drains were installed.
 - Whether the disposal system or floor drains were connected to pipes, and if so, the purpose of such pipes.
 - Where such pipes are or were located.

- e. When such pipes were installed
 - f. How and when such pipes were replaced, repaired, or otherwise changed.
12. Describe the nature of the activities conducted at the Site during your ownership, including:
- a. the services performed and;
 - b. all products which it has manufactured, supplied, or sold.
13. Describe each waste stream generated by the Site during your ownership, including:
- a. the process that was the source of each waste;
 - b. the nature of each waste;
 - c. the quantity of each waste generated;
 - d. the method of treatment, storage, and disposal of each waste;
 - e. the identity of each person responsible for the treatment, storage, and disposal of each waste including all supervisors and all contractors; and
 - f. any analyses which were made of any waste. Provide copies of all analytical documents.
 - g. Submit a copy of each and every document which relates to the generation of "CERCLA waste material" at the Synkote facility. If you are unable to provide a copy of any document, then identify the document by describing the nature of the document (e.g., letter, file memo, invoice, inventory form, billing record, record of payment, etc.). Describe the relevant information contained therein and why you are not able to provide the document.
14. Indicate which of the following waste types were included in the material identified in question 13:
- a. fuels
 - b. asbestos
 - c. ignitables
 - d. polychlorinated biphenyls
 - e. transformers
 - f. inks or dyes
 - g. paint
 - h. thinner
 - i. solvents

- j. medical wastes
- k. sewage sludge
- l. acids
- m. caustics

15. How many underground storage tanks (USTs) are located at the Site?
- a. What is the approximate age of each tank? Also, indicate the age of any USTs that were removed from your property, date and removal, and the contents of the tanks.
 - b. What are the integrities of these USTs? Provide any documents that would indicate the integrities of the USTs.
 - c. What was the past contents of the USTs during your ownership of the Site.
16. During your ownership, provide details of all storage of chemicals at the Site in above and underground storage. Provide a property map depicting Synkote's storage plan.
17. During your ownership, did Synkote accept any waste for disposal at your facility? If so, list the names and addresses of all customers, and the type of waste accepted.
18. Did Synkote or you individually ever have any financial business relationship with National Community Bank of New Jersey? If so, provide the following:
- a. description of the business relationship.
 - b. copy of all financial transactions between the Bank and the Site such as loan applications and mortgage agreements.
19. Did any of the loan agreements made with Synkote contain any land usage restrictions?
20. Did any of the loan agreements made with Synkote reserve any power to the National Community Bank of New Jersey in the operation or ownership of the Site? If so, describe the nature and scope of the control.
21. State and explain the following and submit copies of all relevant documents for each answer.
- a. When did you and/or Synkote default on their loans?
 - b. When did the Bank commence foreclosure proceedings?

- c. Was the Site in the possession of the Bank or the borrower after foreclosure?
 - d. When did the Bank obtain a judgement?
 - e. When did the Sheriff sell the Site?
22. State whether there exists any agreement(s) or contract(s) (other than an insurance policy) which may indemnify your company, present owners of shares in the company, for any liability that may result under CERCLA for any release at the site. If so, please provide copies of all such agreements or contracts. Identify any agreement or contract that you are unable to locate or obtain.
23. State whether any insurance policies have ever been in effect which may indemnify your company against any liability which your company may have under CERCLA for any release or threatened release of hazardous substances that may have occurred at the Site. If so, please provide copies of all such policies. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.
24. Provide copies of financial statements, reports, or projections prepared by, or on behalf of the Company for the past three years of the company's existence, including banks and other financial institutions.
25. For you and each presiding officer of Synkote:
- a. state your total assets and liabilities for each of the last three fiscal years of the company's existence.
 - b. provide copies of your income and balance sheet statements for the last three fiscal years of the company's existence.
26. From the time period of 1956 to the present, identify all property and casualty insurance (i.e., comprehensive general liability, environmental impairment and automobile liability insurance) in connection with the Property. Provide the name and address of insurer, policy, effective dates, and limits of each policy. Provide copies of all documents.
27. For each presiding officer of Synkote, identify in detail:
- a. All ownership interest(s) in any real property. List each parcel of property, and state the estimated value of each.

- b. All ownership interest(s) in personal property, exclusive of items worth less than fifty (\$50) dollars. List and state the estimated value of each.
 - c. All ownership interest(s) in any business. List each business and the present value of your interest in the business and its percentage of the total value of the business.
 - d. All ownership interest(s) in any stock, bonds, or other securities of any class in any government, governmental organization, company, firm or corporation, whether foreign or domestic.
 - e. All business bank accounts, personal checking or saving account, for joint savings or checking accounts with anyone else. List each account and the estimated balance in each account as of the date you answer this question.
 - f. All safe deposit box(es) or other depository for securities, cash or other valuables?
 - g. Is any of the real or personal property identified above, either individually, jointly, or otherwise, encumbered by either a real estate mortgage, chattel mortgage or any other type of lien? If so, describe in detail.
28. Submit any additional information which may help EPA to identify companies or individuals who disposed of CERCLA waste material at the Site.
29. State the name, address, telephone number, title and occupation of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted in any way in responding in the "Request for Information" and specify the question to which each person assisted in responding.